

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. Claims 2-9, 11, and 13-19 are currently pending. Claims 6, 8, 13, and 16 have been amended. New claim 19 has been added. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Allowable Subject Matter

The Office Action objected to claims 6 and 7 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been rewritten in independent form. Claim 7 depends from claim 6. Accordingly, the Applicant respectfully requests allowance of claims 6 and 7.

Claim Rejections Under 35 U.S.C. § 112

The Office Action rejected claim 16 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 16 has been amended to incorporate the Examiner's suggested language. Therefore, the Applicant respectfully requests that the § 112 rejection of claim 16 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 13, 2-3, and 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,266,983 to Takada et al. In the "Response to Arguments" section of the Office Action, the Examiner stated that the "Applicant has merely placed the

determination of 'at least one dimension of an extruded flat conductor cable' in the preamble of the claims. There is no support in the body of the apparatus claims of claims 13, 2-5, and 8-9 to support such use of the claimed apparatus. Therefore, the determination of 'at least one dimension' is merely an intended use for the apparatus claimed and is not given any patentable weight."

Independent claim 13 has been amended to recite an "ultrasonic head being adapted to emit sound waves onto at least one side of the flat conductor cable; and a measuring device adapted to determine at least one dimension of the flat conductor cable based on at least one sound wave reflected from the flat conductor cable." Takada does not disclose or suggest the claimed arrangement.

In contrast to the claimed invention, Takada is directed to an apparatus suitable for detecting flaws in a steel sheet. (*See, e.g.*, Takada at 1:9-16; 6:16-20.) Since Takada relates to an apparatus for *flaw detection* instead of a measuring apparatus, Takada does not disclose or suggest "a measuring device adapted to determine at least one dimension of [a] flat conductor cable based on at least one sound wave reflected from the flat conductor cable." Therefore, the Applicant respectfully requests that the rejection of claim 13, and its dependent claims 2-3, and 5, be withdrawn.

Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over Takada in view of U.S. Patent No. 4,893,510 to Ichikawa et al. Claim 4 depends from claim 13, which, as demonstrated above, is patentable over Takada. Ichikawa, like Takada, does not disclose or

suggest “a measuring device adapted to determine at least one dimension of [a] flat conductor cable based on at least one sound wave reflected from the flat conductor cable.” In contrast, Ichikawa is directed to an apparatus for measuring the *distribution of crystal grains* in a metal sheet. (See, e.g., Ichikawa at 1:8-17.) Therefore, Ichikawa does not remedy the deficiencies of Takada. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

Claims 8-9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Takada in view of U.S. Patent No. 3,332,279 to Tompos et al. Claims 8 and 9 depend from claim 13, which, as demonstrated above, is patentable over Takada. Tompos, like Takada, does not disclose or suggest “a measuring device adapted to determine at least one dimension of [a] flat conductor cable based on at least one sound wave reflected from the flat conductor cable,” as claimed, because Tompos is directed to an apparatus for measuring the moisture content of paper. (See, e.g., Tompos at 1:15-42.) Therefore, Tompos does not remedy the deficiencies of Takada. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

New Claim 19

New independent claim 19 has been added to further define the invention. The Applicant respectfully submits that none of the references of record, or any fair combination of the references of record, discloses or suggests each and every element of new claim 19. Therefore, the Applicant respectfully requests allowance of new claim 19.

Applicant: Erhard Bracher et al.
Application No.: 10/820,746

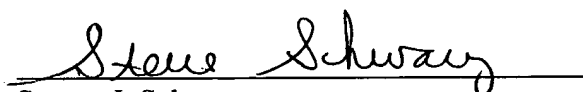
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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Steven J. Schwarz

Registration No. 47,070

VENABLE

P.O. Box 34385

Washington, D.C. 20043-9998

Telephone: (202) 344-4000

Telefax: (202) 344-8300

#223506